



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,913	12/11/2003	Troy J. Tranter	S-97,170	8373

31972 7590 08/17/2005

UNITED STATES DEPARTMENT OF ENERGY  
1000 INDEPENDENCE AVENUE, S.W.  
ATTN: GC-62 (HQ) MS 6F-067  
WASHINGTON, DC 20585-0162

EXAMINER

JOHNSON, EDWARD M

ART UNIT	PAPER NUMBER
----------	--------------

1754

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/748,913

Applicant(s)

TRANTER ET AL.

Examiner

Edward M. Johnson

Art Unit

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 14-22 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28 and 29 is/are allowed.
- 6) ☒ Claim(s) 1-7, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 8-13 and 25-27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election of claims 1-13 and 23-29 in the reply filed on 7/12/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Russia on 12/18/02. It is noted, however, that applicant has not filed a certified copy of the Russian application as required by 35 U.S.C. 119(b).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-7 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. WO00/13775 (US 6,710,013 used as translation).

Regarding claims 1 and 23, Kato '013 discloses a method of making an exhaust emission control catalyst structure comprising impregnating glass fibers.

Kato fails to disclose perforated hollow microspheres obtained from fly ash.

Anshits '162 discloses perforated hollow microspheres obtained from fly ash.

It is considered that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the perforated hollow microspheres obtained from fly ash from Anshits in the method of making a adsorbent catalyst of Kato because Anshits discloses his porous material useful as supports for catalyst and adsorbents for immobilization of liquid radioactive waste (see abstract).

Regarding claims 2-7 and 24, Kato discloses impregnating glass fibers and cloths, which would obviously, to one of ordinary skill, at least suggest repeating and a vacuum to impregnate the active ingredient into the mesh of the disclosed fabrics.

***Allowable Subject Matter***

5. Claims 28-29 are allowed.
6. Claims 8-12 and 25-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten

Art Unit: 1754

in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: Although such compounds are known for treating radioactive waste (Tranter et al.), it would not have been obvious to one of ordinary skill in the art at the time the invention was made to use the compounds of claims 8-12 as extractants impregnated on the glass microspheres obtained from fly ash in the method of making emission control catalyst adsorbents of the prior art. The prior art also does not disclose or suggest the AMP impregnated glass microsphere matrix obtained from fly ash of the instant claim 28.

#### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Che et al. US 4,788,164 discloses inorganic-organic composite compositions comprising impregnated monoliths.

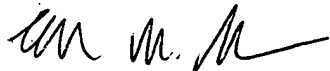
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward M. Johnson whose telephone number is 571-272-1352. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley S. Silverman

Art Unit: 1754

can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Edward M. Johnson  
Primary Examiner  
Art Unit 1754

EMJ